

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LAUREL A. JOHNSON, )  
Plaintiff, )  
v. )  
JO ANNE B. BARNHART, )  
Commissioner of Social )  
Security, )  
Defendant. )  
) No. 04-CV-00463-MWL  
) ORDER FOR STIPULATED REMAND  
)

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 18). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 4). After considering the stipulation

**IT IS ORDERED** that the above -captioned case be remanded to the Commissioner for further administrative proceedings. Upon remand, the Administrative Law Judge (ALJ) will follow the sequential evaluation process for cases involving drug abuse or alcoholism, and determine first whether Plaintiff is disabled considering all of her impairments, including substance abuse, and if so, whether substance abuse is material to the finding of disability. The ALJ will further evaluate whether Plaintiff has a severe mental impairment

1 absent substance abuse. This evaluation will include further  
2 consideration of the opinions of Edward T. Beaty, Ph. D., and James  
3 E. Bailey, Ph.D., both State agency psychological consultants. The  
4 ALJ will also give further consideration to the testimony of Allen  
5 D. Bostwick, Ph.D., regarding the materiality of substance abuse  
6 (and specifically consider the inconsistency in his opinion), and  
7 whether Plaintiff had a severe mental impairment prior to June 2001.  
8 The ALJ will obtain supplemental medical expert testimony regarding  
9 Plaintiff's mental status and the materiality of substance abuse,  
10 and if warranted, regarding Plaintiff's orthopedic impairments(s).  
11 The ALJ will obtain supplemental vocation expert testimony, if  
12 warranted. The ALJ will also consider the lay statements (Tr. 324-  
13 29) and further consider the recommendations of Michael J. Carragher,  
14 M.D. (Tr. 362-63), and provide rationale for the weight accorded to  
15 that evidence.

16 The court reverses the Commissioner's decision under sentence  
17 four of 42 U.S.C. 405(g) with a remand of the cause to the  
18 Commissioner for further proceedings. See *Melkonyan v. Sullivan*,  
19 501 U.S. 89 (1991).

20 **IT IS FURTHER ORDERED:** Judgment shall be entered for the  
21 **PLAINTIFF.** An application for attorney fees may be filed by  
22 separate motion. The District Court Executive is directed to enter  
23 this Order, forward copies to counsel, and thereafter shall close  
24 this file.

25 DATED this 20<sup>th</sup> day of September 2005.

26 \_\_\_\_\_  
27 S/Michael W. Leavitt  
28 \_\_\_\_\_

MICHAEL W. LEAVITT  
UNITED STATES MAGISTRATE JUDGE